



**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Health (State Board of)
VAC Chapter Number:	12 VAC 5-507 and 12 VAC 5-510
Regulation Title:	Guidelines for Nursing Scholarships and Loan Repayment Programs Requiring Service in a Long-Term-Care Facility and Guidelines for General Assembly Nursing Scholarships and Loan Repayment Program
Action Title:	(1) Adopting Guidelines for Nursing Scholarships and Loan Repayment Programs Requiring Service in a Long-Term-Care Facility, AND (2) Amending Guidelines for General Assembly Nursing Scholarships and Loan Repayment Program in response to 2000 legislation.
Date:	August 15, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

HB 1368 passed by the 2000 General Assembly amended the current scholarship program, the *Mary Marshall Scholarship Program* to include loan repayment. In addition, it established a nursing scholarship and loan repayment program requiring service in a long-term-care facility in the Commonwealth. Participants in both programs will receive scholarship or educational loan repayment in exchange for service anywhere in the Commonwealth or in a specific long-term-care facility within the Commonwealth of Virginia.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Legal authority to promulgate this emergency regulation is §§32.1-122.6:01, 54.1-3011.1, and 54.1-3011.2 of the *Code of Virginia* are amended and reenacted as follows: 32.1-122.6:01, Board of Health to award certain scholarships and loan repayment funds. The Board of Health shall award the nursing scholarships available from the Nursing Scholarship and Loan Repayment Fund established in §54.1-3011.2 pursuant to the procedures for the administration of the scholarships awarded through §23-35.9.

See the following web site addresses:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+23-35.10>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-122.6C01>

<http://leg1.state.va.us/cgi-bin/legp504.exe?001+sum+HB1368>

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The *Mary Marshall Nursing Scholarship Program* has been in existence since the 1970s. The regulations for this program have been revised to include a Loan Repayment Program for registered nurses, licensed practical nurses, and certified nurse aides. The loan repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in the Commonwealth.

In addition to amending the current scholarship regulations, a new nursing scholarship and loan repayment program requiring service in a long-term-care facility within the Commonwealth of Virginia was established. This program is for registered nurses, licensed practical nurses, and certified nurse aides. Scholarships will be given to qualifying applicants in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. The loan repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. Currently, there is no funding for this program because all the funds appropriated by the General Assembly

and fees collected by the Board of Nursing is used by the *Mary Marshall Nursing Scholarship Program*, 12 VAC 5-510.

Personnel turnover in long-term-care facilities leads to a lack of continuity and reliable staffing; this potentially compromises care in these facilities. Providing incentives for more nursing professionals to care for these patients benefits the Commonwealth.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

These regulations and amendments are necessary to comply with an emergency provision of 2000 law, so no direct alternative is available.

The agency looked at loan repayment programs on the federal level and in other states to promulgate regulations for the loan repayment portion of the current regulations, 12 VAC 5-510. With input from the Scholarship Selection Committee, the current scholarship regulations were revised to include loan repayment. With this addition, the regulations were made as unintrusive as possible. Applicants must complete an application package. This application package is essential to determine qualified applicants, reduce potential fraud in the program, and still have nurses commit to work in the nursing profession in the Commonwealth.

To promulgate the new regulations, the agency used the Mary Marshall Nursing Scholarship and Loan Repayment regulations, 12 VAC 5-510, to develop this new program, 12 VAC 5-507. In addition, scholarship and loan repayment programs on the federal level and in other states were reviewed. The agency, with input from the Scholarship Selection Committee, felt that using the Mary Marshall Nursing Scholarship regulations was prudent because one application package could be used by citizens. When funding becomes available, application packages would be in place and the program could start right away. These regulations were written to be as unintrusive as possible. Applicants must complete an application package. This application package is essential to determine qualified applicants, reduce potential fraud in the program, and still have nurses commit to work in the nursing profession in a long-term-care facility in the Commonwealth.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Overall this will have a positive impact on the institution of the family and family stability. Helping nursing students with their educational expenses will save disposable family income and increase their potential earnings for the future.

Personnel turnover in long-term-care facilities leads to a lack of continuity and reliable staffing; this potentially compromises care in these facilities. Providing incentives for more nursing professionals to care for these patients can relieve anxiety for the family members of facility residents.